

BIM

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CONFIRMATION OF FACSIMILE



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OFFICE OF PETITIONS

Attn: Alicia Kelley – Office of Petitions

Friday, 02 September 2011

**Re: Patent 6009763 (serial number 08/809856)
3rd maintenance fee due on 4 July 2011**

Dear Ms Kelley-Collier

Reference is made to the enclosed "Dismissed" notice which has been issued for the above case.

Please find enclosed a new Letter of Assertion signed on behalf of the Patentee. Please take the necessary steps to enable the fee deficiency to be accepted.

We thank you in advance for your assistance and remain.

Very yours truly
Dennemeyer & Co Stockport
Payor Number: 287

Mrs Gillian Gascoigne



UNITED STATES PATENT AND TRADEMARK OFFICE



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- 8 AUG 2011

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In re Patent No. 6,009,763
Issue Date: January 4, 2000
Application No. 08/809,856
Filed: June 16, 1997
Attorney Docket No. VER-102XX

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NOTICE

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This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on July 15, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **DISMISSED**.

The request under 37 CFR 1.28 cannot be accepted at this time since the petition is not signed by the proper party. Petitioner's attention is directed to 37 CFR 1.33(b), which states that Amendments and other papers filed in the application, must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

Accordingly, the request cannot be accepted until it is signed by all inventors, an attorney or agent registered to practice before the U.S. Patent and Trademark Office or the assignee of the entire interest under 37 CFR 3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.



Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: MRS. GILLIAN GASCOGNE
 DENNEMEYER & CO. LTD
 REGENT HOUSE, HEATON LANE
 STOCKPORT CHESHIRE ENGLAND SK41BB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

"Fancom B.V."

Registration No.: 6,009,763

Filed: October 3, 1995

USPTO Office of Petitions
(571) 273-8300

Reference No: P15754US00

Dear Sir,

This is in response to a letter from the Office of Petition mailed August 1, 2011. Please consider this an assertion pursuant to 37 CFR 1.28(c) that the Applicant of the above-mentioned patent would like to be considered a large entity for the payment of maintenance fee. The maintenance fee due on July 4, 2011 was inadvertently paid as a small entity. The deficiency of payment was requested on July 15, 2011.

Dated: August 16, 2011

Respectfully submitted,

By T. Elmore

Tamara Elmore, Ph.D.

Registration No.: 61,088

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